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Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

Note verbale dated 5 January 2006 from the Permanent Mission of Chile to the United Nations addressed to the Secretary-General

The Permanent Mission of Chile presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the Declaration of Santiago de Chile, which was adopted by the Governments of the member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the States Parties to the Treaty of Tlatelolco, during its XIX Regular Session, held in Santiago, Chile on 7 and 8 November 2005 (see annex).

Resolution CG/Res. 487, which contains the above-mentioned Declaration, a copy of which is attached hereto, requests the Government of Chile and the Secretary General of OPANAL to take appropriate steps to have the Declaration circulated as a document of the sixtieth session of the General Assembly.

The Permanent Mission of Chile therefore requests the Secretary-General of the United Nations to kindly arrange for the Declaration of Santiago to be circulated as a document of the sixtieth session of the General Assembly under agenda item 91, entitled "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)".

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Resolution CG/Res. 487

DECLARATION OF SANTIAGO DE CHILE

The General Conference,

Having adopted the "Declaration of Santiago de Chile" by the Governments of the member States of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the States Parties to the Treaty of Tlatelolco during its XIX Regular Session, held in Santiago, Chile on 7 and 8 November 2005,

Resolves:

To request the Government of the Republic of Chile and the Secretary General of OPANAL to take the appropriate steps to have the "Declaration of Santiago de Chile" circulated as an official document of the sixtieth session of the United Nations General Assembly.

DECLARATION OF SANTIAGO DE CHILE

The member States of the Agency for the Prohibition of Nuclear Weapons In Latin America and the Caribbean (OPANAL), on the occasion of the XIX Regular Session of the General Conference, held in Santiago, Chile on 7 and 8 November,

Recognizing the important contribution that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) has made to international peace and security by making Latin America and the Caribbean a region free of nuclear weapons;

Highlighting the importance of keeping all of Latin America and the Caribbean free of nuclear weapons and the fact that the nuclear Powers have pledged to respect the denuclearized status of the region set out in the Treaty of Tlatelolco and its Additional Protocols;

Convinced that the establishment of nuclear-weapon-free zones that fulfil international criteria constitutes an important measure that significantly strengthens the international non-proliferation regime and that, as established in the preamble to the Treaty of Tlatelolco, military denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage;

Recognizing that the Treaty of Tlatelolco has become a model for the establishment of other nuclear-weapon-free zones in different regions of the world, as in the case of the South Pacific (Treaty of Rarotonga), South-East Asia (Treaty of Bangkok), Africa (Treaty of Pelindaba) and Mongolia, which cover more than half the countries in the world and all the territories in the southern hemisphere;

Reaffirming that the establishment of a nuclear-weapon-free zone in the Treaty of Tlatelolco is a clear demonstration of the commitment of Latin America and the Caribbean to the cause of complete and verifiable nuclear disarmament and the non-proliferation of nuclear weapons;

Noting with satisfaction that, at the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Mexico City from 26 to 28 April 2005, a significant number of non-nuclear-weapon States adopted a Declaration that constitutes an important contribution to disarmament and nuclear non-proliferation and agreed on mechanisms for cooperation and consultation among the zones established by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, with a view to promoting cooperation and coordination among them, their respective agencies and other interested States;

Convinced that the existence of nuclear weapons constitutes a threat to the survival of humanity and that the only real guarantee against their use or the threat thereof is their total elimination as a means of achieving a nuclear-weapon-free world;

Disappointed at the lack of concrete progress towards the objective of the total elimination of nuclear weapons and underscoring the fundamental responsibility of the nuclear Powers for the attainment of that objective, which requires compliance with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

Recalling the advisory opinion of the International Court of Justice on the "Legality of the Threat or Use of Nuclear Weapons" of 1996, which reaffirmed the

general illegality of the threat of use of nuclear weapons and confirmed the obligation to bring to a conclusion negotiations on nuclear disarmament in all its aspects;

Emphasizing that general and complete disarmament, the non-proliferation of nuclear weapons and the peaceful use of nuclear energy under adequate international control are closely related and must necessarily be addressed as a whole;[1]

Recognizing the importance of multilateralism and, in particular, the key role of the United Nations in nuclear disarmament and nuclear non-proliferation matters and reiterating our commitment to adopting measures to strengthen that role;

Resolve to:

1. **Reiterate** that the mere existence of nuclear weapons represents a threat to all mankind and that their use would have catastrophic consequences because of their devastating capacity for destruction, the irreparable harm they cause to human beings, and the severe damage they would cause to the environment, the preservation of which is the responsibility of all nations.

2. **Reaffirm** the importance of strengthening OPANAL as the appropriate political and legal forum for ensuring absolute respect for the Treaty of Tlatelolco, in its zone of application, and to promote cooperation with international organizations responsible for disarmament and non-proliferation and with other nuclear-weapon-free zones.

3. **Strengthen** the mechanisms for cooperation and coordination with the Treaties of Rarotonga, Bangkok and Pelindaba, and with Mongolia, as well as with any future treaties that may be concluded and with their respective agencies, with a view to hastening the achievement of their common objectives, as agreed by the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Mexico City in April 2005, and to promoting the consolidation of the legal regimes established by such zones.

4. **Express** our deep disappointment at the lack of progress towards general and complete disarmament. We are particularly concerned at the failure to comply with the obligation set out in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control, recalling in particular the undertaking by the nuclear-weapon States to completely eliminate their nuclear arsenals with a view to achieving nuclear disarmament, an obligation that is binding on all NPT States Parties.

5. **Reaffirm** that the use or threat of force is a violation of a peremptory rule of international law and of the Charter of the United Nations, as well as a crime against humanity, as the United Nations General Assembly has repeatedly declared.

6. **Call upon** the United Nations General Assembly to consider, on the occasion of the tenth anniversary of the advisory opinion of the International Court of Justice on the "Legality of the Threat or Use of Nuclear Weapons", the measures

[1] Cuba and Venezuela were in favour of leaving out the expression "the peaceful use of nuclear energy". See minutes of the 107th meeting.

that States should take to fulfil their nuclear disarmament obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and arising from the 1996 advisory opinion.

7. **Urge** the five nuclear-weapon States to provide effective guarantees to all non-nuclear-weapon States that they will not use or threaten to use nuclear weapons against them. In this connection, in addition to the commitments arising out of Security Council resolution 984 (1995) and the legally binding security guarantees set out in the Additional Protocols to the Treaty of Tlatelolco, we urge the aforementioned nuclear Powers to give priority attention to efforts aimed at concluding a universal, unconditional and legally binding treaty on security guarantees for non-nuclear-weapon States and, in the meantime, to respect the commitments assumed regarding security guarantees.

8. **Reiterate** to the nuclear-weapon States that have signed or ratified Additional Protocols I and II to the Treaty of Tlatelolco and have done so with unilateral interpretations that affect the principle of denuclearization underlying the Treaty that they should modify or withdraw those interpretative declarations. In particular, we consider that those declarations regarding assistance to a State Party to the Treaty of Tlatelolco from a nuclear Power refer to past historical situations and are in violation of NPT. We also consider that declarations justifying the use of nuclear weapons in self-defence in response to an armed attack with conventional weapons, which are the only kind that States Parties to the Treaty of Tlatelolco possess, cannot be supported by current international law, since they do not fulfil the requirement of need nor are they proportional to the end sought with the defensive action recognized by Article 51 of the Charter of the United Nations.

9. **Urge** once again the total elimination of nuclear testing and stress the importance of achieving universal accession to the Comprehensive Nuclear-Test-Ban Treaty, including by all nuclear-weapon States. We stress the importance of maintaining the moratorium on nuclear-weapon testing or any other kind of nuclear tests, until the entry into force of that Treaty.

10. **Reaffirm** the inalienable right of all States to research, produce and use nuclear energy for peaceful purposes without discrimination, as well as the inviolability of nuclear facilities. In this regard, we underscore the important role of the International Atomic Energy Agency (IAEA) in verifying that nuclear energy is used for peaceful purposes only and we reaffirm our support for the fundamental role of IAEA in the full application and verification of compliance with the international safeguards regime provided for in NPT and for the efforts of the Agency to strengthen the regime and highlight the importance of the Model Additional Protocol as the ideal instrument for making the IAEA safeguards system more efficient and effective.

11. **Highlight** the growing threat to international security posed by the possibility that non-State actors may gain access to nuclear weapons. We therefore actively support the initiatives undertaken by IAEA in this regard. We remain firmly convinced that the most effective way to prevent non-State actors from gaining access to nuclear weapons is through the total elimination of such weapons.

12. **Reiterate** our concern at the risks incurred in transporting radioactive material and hazardous waste by sea or other navigable waterways and urge all States, particularly those that transport such materials, to strengthen the

international legal regime of security measures and liability applicable to this mode of transportation, through the effective implementation of the commitments undertaken within the framework of IAEA, the International Maritime Organization (IMO) and other international bodies. We also urge all States to exchange information at the government level on the transport of radioactive material.[2]

13. **Express** our conviction that education in disarmament and non-proliferation is an important measure that can help bring about a world free of the nuclear threat. We therefore encourage all States to promote in the appropriate educational and academic establishments programmes instilling the values of peace, disarmament and nuclear non-proliferation.

Santiago, Chile, 8 November 2005

(Adopted at the 107th meeting, held on 8 November 2005)

[2] Argentina and Brazil expressed reservations regarding this paragraph. See minutes of the 207th meeting.